IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE, JURISDICTION

CRIMINAL WRIT PETITION NO.2769 OF 2005

Kaliya @ Attarsingh Banarshi ...Petitioner

Versus

The State of Maharashtra ...Respondent

. . .

Mr.Kadu, Advocate for the Petitioner (appointed).
Mr.A.S.Gadkari, APP, for the State.

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CORAM : D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI, JJ.

DATED : MARCH 17, 2006.

P.C.:

. Heard learned Advocate for the petitioner and Mr.A.S.Gadkari, APP, for the State. This is a petition for furlough. The reason given for rejecting the application filed by the petitioner is that the surety, offered does not appear to be competent or capable of getting back the petitioner, as he is a Taxi driver. It is accompanied by report dated 7th March, 2005 filed by the Commissioner of Police, Thane, which is to the above effect. There is no other reason and the witnesses have not taken any objection for

releasing the petitioner. Therefore, the cause given that the surety does not appear to be competent to get back the petitioner, is not at all justified.

. In the circumstances the order dated 15th June, 2005 is set-aside. The petitioner be released on furlough as per rule. The order be communicated immediately to the jail authority and the petitioner.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)